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10/680,747	10/07/2003	Elena Casellini	BSTB-20302/38	5365
25006	7590	10/30/2007		
GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C			EXAMINER	
PO BOX 7021			GALL, LLOYD A	
TROY, MI 48007-7021				
			ART UNIT	PAPER NUMBER
			3673	
			MAIL DATE	DELIVERY MODE
			10/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/680,747

Applicant(s)

CASELLINI ET AL.

Examiner

Lloyd A. Gall

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/8/05, 8/29/05 and 12/27/05 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim 5 is objected to because of the following informalities: In claim 5, line 10, there is no antecedent basis for "the opening". Appropriate correction is required.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-9 and 11-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The originally filed application does not support the subject matter of lines 10-11 of claims 1 and 5, including "an opening in the head remains aligned with the key cover only by the key ring passing simultaneously therethrough". This is regarded as new matter, as it was introduced into the claims in the amendment filed on July 14, 2006.

With respect to the above rejection of the claims, and with reference to page 10, the last paragraph of the REMARKS filed on August 13, 2007, it is submitted that the originally filed specification does not provide support that the key is held without a friction fit within the key cover, nor is the key shown as being spaced from the inside major faces of the sides of the key cover, as set forth in the following paragraph.

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The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the above referenced subject matter of lines 10-11 of claims 1 and 5 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

In view of the above claim rejections, the claims are rejected as best understood, on prior art, as follows.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6, 8, 9 and 12-15 as best understood are rejected under 35 U.S.C.

103(a) as being unpatentable over the DM/059931 reference in view of Cicourel, Ridgway (498), and Rafter.

In the embodiments of figs. 6.2, 6.3, 2.2 and 2.3, the DM reference teaches a key head cover having apertures in the sidewalls to register with an opening in a key head, an outer wall having ends spaced from bottom edges of the first and second sidewalls, tactile features in figs. 6.2, 2.2, 2.3 which are both on the sidewalls as well as on the bottom edges of the sidewalls and which define a rear contact plane which is secured to the sidewalls, a house icon is shown in fig. 6.3. Cicourel teaches tactile features 5 on the sidewall of a key head cover, wherein the tactile features are secured throughout their rear contact plane with the plane of the sidewall on which they are secured, and wherein the tactile features are formed as single material with the key head cover.

Ridgway teaches a key head cover in fig. 3 which has its aperture aligned with a key head opening only by a key ring passing therethrough. Rafter teaches that a key head cover 12 in fig. 5 which includes a house icon may be formed from metal, as set forth in column 6, line 27. It would have been obvious to form the tactile features of the DM reference as being secured throughout their rear contact plane to the plane of the sidewalls, and as a single material with the sidewalls, in view of the teaching of Cicourel, the motivation being to optimize the strength of the connection between the tactile features and the sidewall. It would have been obvious to modify the key head

cover of the DM reference such that it has its apertures aligned with a key head only by a key ring, in view of the teaching of Ridgway, the motivation being to simplify the sliding installation of the key head cover on a key head. It would have been obvious to form the key head cover of the DM reference as modified by Cicourel, to be formed from metal, in view of the teaching of Rafter, the motivation being to optimize the strength of the cover. Claims 12-15 are regarded as product-by-process claims, and do not patentably define over the modified DM reference.

Claim 7 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over the DM reference as modified by Cicourel, Ridgway and Rafter as applied to claim 6 above, and further in view of an additional teaching of the DM reference.

Fig. 3.3 of the DM reference teaches a braid embodiment. It would have been obvious to modify the shape of the indicia at the bottom edges of the fig. 2.2 embodiment of the DM reference to be a braid shape, in view of the teaching of the figure 3.3 embodiment of the DM reference, the motivation being to be able to quickly discern one key from another.

Claim 11 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over the DM reference as modified by Cicourel, Ridgway and Rafter as applied to claim 1 above, and further in view of Sheldon.

Sheldon teaches a key ring securement used to hold multiple keys, wherein the multiple keys have different identifiers 18, 18a (column 3, lines 9-11). It would have been obvious to utilize multiple keys of the DM reference as modified by Cicourel, Ridgway

and Rafter, with different tactile features located on the same key ring, in view of the teaching of Sheldon, the motivation being to allow an individual to carry multiple keys and distinguish the keys by their tactile features.

Claim 5 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over the DM reference in view of Cicourel, Ridgway and Rafter.

In the embodiments of figs. 6.2, 6.3, 2.2 and 2.3, the DM reference teaches a key head cover having apertures in the sidewalls to register with an opening in a key head, an outer wall having ends spaced from bottom edges of the first and second sidewalls, tactile features in figs. 6.2, 2.2, 2.3 which are both on the sidewalls as well as on the bottom edges of the sidewalls and which define a rear contact plane which is secured to the sidewalls, a house icon is shown in fig. 6.3. Cicourel teaches tactile features 5 on the sidewall of a key head cover, wherein the tactile features are secured throughout their rear contact plane with the plane of the sidewall on which they are secured, and wherein the tactile features are formed as single material with the key head cover. Ridgway teaches a key head cover in fig. 3 which has its aperture aligned with a key head opening only by a key ring passing therethrough. Rafter teaches that a key head cover 12 in fig. 5 which includes a house icon may be formed from metal, as set forth in column 6, line 27. It would have been obvious to form the tactile features of the DM reference as being secured throughout their rear contact plane to the plane of the sidewalls, and as a single material with the sidewalls, in view of the teaching of Cicourel, the motivation being to optimize the strength of the connection between the tactile features and the sidewall. It would have been obvious to modify the key head

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cover of the DM reference such that it has its apertures aligned with a key head only by a key ring, in view of the teaching of Ridgway, the motivation being to simplify the sliding installation of the key head cover on a key head. It would have been obvious to form the key head cover of the DM reference as modified by Cicourel, to be formed from metal, in view of the teaching of Rafter, the motivation being to optimize the strength of the cover. Claims 12-15 are regarded as product-by-process claims, and do not patentably define over the modified DM reference. With respect to the limitations of the last three lines of claim 5, it is noted that in the DM reference, fig. 8.2 teaches a raised geometric shape, fig. 9.3 teaches a depressed geometric shape, and figs. 2.2 and 2.3 teaches that multiple geometric shapes may be provided on the same sidewall. Accordingly, it would have been obvious to utilize a raised and a depressed geometric shape on a same sidewall of a key cover of the DM reference.

Applicant's arguments filed August 13, 2007 have been fully considered but they are not persuasive. In response to applicant's remarks on page 8 concerning the technical difficulties of combining the DM and Cicourel references and the lack of motivation for combining the references, it is first noted that the claims are article claims drawn to a key and key head cover, and are not method claims of manufacturing a key head cover. It is further submitted that with respect to the "requisite motivation" referred to by applicant on page 9, line 1, the issue to be determined with these article claims of record is what the combined teachings of the prior art would have suggested to one of ordinary skill in the art. While the DM reference in at least fig. 2.2 appears to show the tactile feature as being secured throughout the rear contact plane, the Cicourel

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reference clearly teaches such a feature. It is also noted that such a securement throughout the contact plane does indeed optimize the strength of the connection, as opposed to a securement which does not extend throughout the rear contact plane. It is submitted as obvious to modify the DM reference (which appears to show at least in fig. 2.2 a securement throughout the rear contact plane) to include such a securement, in view of the teaching of Cicourel. The Rafter reference is relied on for a teaching of metal for such a key head cover, as metal is clearly recognized by one of ordinary skill in the art as possessing great strength. Accordingly, in analyzing these article claims, it is submitted that the combined teachings of the DM, Cicourel and Rafter would have suggested to one of ordinary skill in the art the desirability of attaching the tactile feature of the DM reference throughout its rear contact plane, and using metal for such key head cover. Whether or not the strength of the DM reference is regarded by applicant to be adequate, as referred to on page 10, line 6 of the remarks is of no patentable significance to overcome the above prior art rejections.

In response to the remarks on page 11, line 19, it is not clear whether applicant is referring to Sheldon instead of Rafter. The spring clip 20 teaching of Sheldon was not relied upon in the combination of the references. Sheldon was relied upon as a teaching that different identifiers 18, 18a may be mounted on a single key ring. Accordingly, it would have been obvious to mount different tactile features of the numerous embodiments of the DM reference on a single key ring.

In response to applicant's remarks in the last paragraph of page 12, it is resubmitted that the DM reference clearly shows the claimed features. It is also noted that applicant

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appears to be arguing against the Rafter reference on page 10, the last paragraph, based on what the reference appears to show.

Applicant's amendment, including the remarks on page 10, the last paragraph, which necessitated the above rejection under 35 USC 112, first paragraph, necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

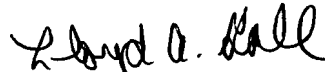
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Lloyd A. Gall
Primary Examiner
Art Unit 3673

LG LG
October 26, 2007